



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 109<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 151

WASHINGTON, FRIDAY, SEPTEMBER 9, 2005

No. 112

## House of Representatives

The House was not in session today. Its next meeting will be held on Monday, September 12, 2005, at 12 noon.

## Senate

FRIDAY, SEPTEMBER 9, 2005

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty and everlasting God, the source of power and might, You are a stronghold in times of trouble, so today, we pray for Your strength.

Strengthen our faith so that we will trust You in our seasons of joy and sadness. Strengthen our will so that we will choose the harder right and resist the easy wrong. Strengthen our decisions so that we will not vacillate when commitment is needed. Strengthen our affection so that we will learn to love You as You have first loved us. Strengthen our Senators for today's challenges and opportunities. Keep them in good health and give them patience and cheerful endurance. Strengthen us all to believe that Your purposes will ultimately prevail.

We pray in Your strong Name. Amen.

### PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MAKING APPROPRIATIONS FOR SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES FOR FISCAL YEAR 2006

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2862, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

#### Pending:

Lincoln amendment No. 1652, to provide for temporary Medicaid disaster relief for survivors of Hurricane Katrina.

Harkin amendment No. 1659, to increase the appropriation for nationwide legal services field programs and to provide additional funds to programs providing legal services to the victims of Hurricane Katrina.

Dayton amendment No. 1654, to increase funding for Justice Assistance Grants.

Biden amendment No. 1661, to provide emergency funding for victims of Hurricane Katrina.

Sarbanes amendment No. 1662, to assist the victims of Hurricane Katrina with finding new housing.

Dorgan amendment No. 1665, to prohibit weakening any law that provides safeguards from unfair foreign trade practices.

Sununu amendment No. 1669, to increase funding for the State Criminal Alien Assistance Program, the Southwest Border Prosecutors Initiative, and transitional housing for women subjected to domestic violence.

#### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

#### SCHEDULE

Mr. FRIST. Mr. President, today we are resuming consideration of the Com-

merce-Science-Justice appropriations bill. Last night, we reached agreement to limit amendments to that bill. That agreement will allow us to finish this appropriations bill early next week. We are here today to give Senators the opportunity to offer amendments from that list. They will also have that opportunity on Monday. We will not vote on amendments during today's session, but we are prepared to debate additional amendments and schedule those votes for next week.

Last night, we scheduled our first vote on Monday, and that will occur at 6:30 Monday evening. It will be on the motion to proceed to the resolution of disapproval regarding the regulations relating to mercury.

As everyone is aware, the Judiciary Committee will begin its hearings on the nomination of Judge Roberts. I will be working with the Democratic leader to schedule floor votes around those hearings to provide the least amount of disruption of those proceedings. That means most of the voting will occur at the lunch hour or around midday and then later in the evening.

Throughout this time, we will continue to focus our efforts on legislation related to the effects of Katrina. Yesterday, as my colleagues know, we acted very quickly on emergency court legislation so that those Federal courts could continue operations appropriately. As I have stated again and again, we will remain committed to respond and act expeditiously on any matter that can be cleared and that will assist in our recovery efforts in those affected States.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S9865

## HURRICANE RELIEF EFFORTS

Mr. FRIST. Mr. President, I am pleased to report that last night, the Senate moved very quickly and passed a supplemental emergency aid package, a \$51.8 billion bill that was signed and then about 2 hours later was signed by the President of the United States. It is a bill that aims directly at the critical rescue and relief efforts of the victims of Hurricane Katrina. Last night's action reflects the solemn commitment of the Congress and the President to the people devastated by the extreme disaster which has struck the Gulf Coast. I thank my colleagues for their hard work and determination to get this bill passed expeditiously. The clock was ticking.

As of yesterday, the \$10.5 billion we allocated during last Thursday's urgent session was nearly tabbed out. We knew at the time we passed this initial funding that more aid would be needed. What we did not know was the sheer magnitude of the catastrophe and how it would outstrip those relief dollars so quickly.

By pulling together and responding in an efficient and quick manner, focusing on that essential task, at 7:30 last night we did pass that \$51.8 billion bill. As a result of that, thousands of volunteers and responders will continue to do what they are doing so well right now along the Gulf Coast, and that is saving lives and providing aid. As I speak, over 65,000 Active-Duty and National Guard personnel are in the Gulf region conducting search, rescue, and voluntary evacuation operations. They are helping to restore washed-out roads, build bridges, and clear millions of gallons of toxic floodwater. They are providing critical health care, medical care, food, water, shelter, and security. Our thanks go out to them. Our gratitude goes out to each and every one of them. Many of those rescue workers, in fact, are putting their lives on the line as they deal day in and day out with an environment of destruction, of toxic chemicals, of toxic waters. We thank them for their dedication.

When I was in New Orleans last Saturday and Sunday, just outside the terminal of the New Orleans airport, I had the opportunity to meet face to face with so many wonderful guard units. The 118th Airlift Wing, the Tennessee Guard based out of Nashville, was there in force. The 118th had been ferrying supplies and people in and out of that region over the course of the week, around the clock for days. Right now, the 118th AeroMed units are transporting the sick and the injured evacuees to locations all around the country. Again, I thank them in particular because they are from my home region of middle Tennessee, but I thank all of those Guard units and Active military that are contributing with untiring dedication and commitment.

FEMA continues to aggressively provide support and sustenance for the hundreds of thousands of families whose lives have simply been shattered

by this disaster. In 1 week, over a quarter of a million people have been evacuated and placed in over 200 shelters across 17 States. Each one of those shelters has affiliated with it many shelters, but it gives some feeling of the magnitude that there are some formal shelters in 17 States.

Countless citizens all across the country are pitching in and giving money and donating their services and giving hope to those displaced individuals and families. Huge efforts are underway to locate those missing persons, people who have been separated from their friends and from their families. From the very beginning, we have seen a great outpouring of the American spirit, compassion, and care from private citizens, church groups, college groups, doctors, nurses, grandparents, moms, and dads—all being on the front lines helping neighbors in distress.

Several of my colleagues have heard me tell the story of last Saturday and Sunday at the New Orleans airport where triage was underway, thousands of people were being brought in the door of that terminal. One out of four had some special need, some health care need, some medical emergency. To see the operation of four college students from the University of Texas helping carry people up to the triage unit side by side with our Guard units maintaining security the best they possibly could, coupled with the DMAT units, disaster medical assistance units, that have come from Florida, Pennsylvania, and really from all over the country—it was an amazing outpouring of people working together under the most trying circumstances, circumstances that minute by minute got worse and worse and worse. But everybody was pulling together, helping people in distress.

A vivid image I think of throughout the day is two people on stretchers side by side on the floor in that very dark terminal in the midst of all that chaos in so many ways with so many people coming in, and those two people not knowing each other but taking care of each other's needs, helping each get a little bit of water, a little bit of food, or stopping somebody, the assistance one patient would give another patient, somebody they had never seen before. Again, there was this outpouring of compassion, love, and volunteer spirit.

Today in the private sector, individuals and businesses have spontaneously donated well over \$300 million to this effort. It is growing by hundreds of thousands of dollars every day—again, a representation of the outpouring of generosity, concern from individuals, corporations, and businesses. It is this outpouring of compassion and support that is a testament to our national character, the character of being an American.

Here in the Senate, we have worked around the clock, as people have seen, with the emergency session last Thursday, and it continues today. We convened the emergency session Thursday

and passed an emergency supplemental of \$10.5 billion, and then the \$51.8 billion last night. The committee chairmen have all been charged and are working very hard crafting legislation to meet the urgent and long-term needs of the hurricane survivors.

This week, Speaker HASTERT and I announced the formation of a bicameral—that is, House and Senate—bipartisan committee to conduct a top-to-bottom investigation, analysis, review of the emergency preparation and response to Hurricane Katrina. The committee will be made up of senior Members. It will report back to this body no later than February 15. They are going to review the emergency plans that were in place at the local level, at the State level, and at the Federal level, and how they interacted with each other, what went wrong and what went right. They will assess how local, State, and Federal governments actually responded, and when things went wrong, we will find it and we will correct it as we prepare for the future. Our committees will have legislative authority and will work with that joint committee based on those findings to legislate accordingly.

The Energy Committee this week held hearings on the surge in gas prices and what can be done to bring them down. We passed legislation to get the Federal court system in the affected areas up and running.

There are a lot of moving parts. We will continue to focus on legislation that answers the immediate response and relief, moving other business aside. Thousands of people need our help, and the three States need to recover and rebuild.

Yes, all of this is a massive undertaking. It is an undertaking that is going to force us to think out of the box, to think innovatively, to think creatively, to think in ways that we just simply have not thought before. In many ways it is inexcusable to have a response which is not seamless, which is not efficient, which is not focused on seamless communication. We are going to fix what is broken and we are going to do it aggressively, thinking creatively, innovatively, and out of the box.

As the Senate moves forward, helping the victims of the hurricane is our No. 1 priority. We are working through essentially three phases. And when I say phases, I think chronologically, but it is simultaneous phases. First is that immediate response to the victims who are in need, to the displaced persons, to continue that search and rescue. Whatever it takes, this body will make that an ongoing priority.

The second element is the longer term rebuilding and reconstruction and revitalization of that entire Gulf State region. That is a major focus. It is a focus that has already begun, but it is also a much longer focus. It will take weeks and months and years. And that focus is something that needs to be a part of our agenda, is a part of our

agenda, and each of our committees is looking at that.

The third element is an analysis of what went wrong and what went right. We will be doing that through our committee structure as well as the joint committee that has been established by the Speaker and me.

We need to cut the redtape and bureaucracy that is getting in the way. We hear it again and again and again. I have asked each of the committee chairmen to expedite proposals, suggestions to leadership, so we can consider those in this Chamber.

In closing, the Senate and the American people are committed to helping the Gulf Coast rise again in a bigger way, a better way, and a more prosperous way than ever. It will require us to think innovatively and creatively. In this hour of need, in this hour of tragedy and unrest, we can also find great opportunity and great reason for hope. We stand shoulder to shoulder with our neighbors from the Gulf today, tomorrow, and in the months ahead.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The Senator from Alabama.

Mr. SHELBY. Mr. President, I am pleased today to return to the consideration of H.R. 2826, the Commerce, Justice, Science and Related Agencies Appropriations for the fiscal year ending September 30, 2006. I thought we had a very productive opening day yesterday. We heard from many of our colleagues. We will continue to do that. We have several amendments that we are in the process of reviewing on both sides of the aisle here, and we are doing our best to consider the views and concerns of all Members.

Again, I would like to reiterate this morning how important it is that Members let me and Senator MIKULSKI and our staffs know of any amendments they plan to offer. I urge those Senators with amendments to come to the floor. This is a very important bill. This funds a lot of very important agencies, and the quicker we can realize what we have to do and how we are going to go about it, the better off we are and we will expedite this legislation.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ISAKSON). Without objection, it is so ordered.

HONORING OUR ARMED FORCES  
LANCE CORPORAL KEVIN S. SMITH

Mr. DEWINE. Mr. President, I rise this morning to honor a fellow Ohioan, a young man from Springfield. Twenty-year-old LCPL Kevin S. Smith was killed on March 21, 2005, when a suicide bomber detonated an explosive-filled

car against Smith's Humvee. Lance Corporal Smith was conducting stabilization operations in Al Anbar Province, protecting Iraqi civilians he had been among for less than a month.

Kevin Smith had a profound sense of duty. Before he had even graduated from high school, he knew he wanted to be a marine. At a very young age he had the resolve to defend his country abroad, and as Kevin grew he developed the thoroughness, the competence, and the compassion that helped him serve with distinction.

Kevin Smith was born on September 24, 1984, in Springfield to proud parents Ronald and Kathy Smith. Growing up, Kevin enjoyed baseball and playing his guitar. He attended Kenton Ridge High School where he was a member of the Spanish National Honor Society. Marsha Stoner, head of the society, taught Kevin for 3 years. She recalls immediately noticing him in her class, and at the ceremony in Kevin's honor described her former student as "genuine, kind, and gentle."

Principal Chuck Foss remembers Smith as the kind of person who "just did things the way they were supposed to be done." He continues: "I would take a whole school of kids like him."

Indeed, our whole country could use more men such as Kevin Smith.

School was not the only place Kevin showed his reliability and personal strength. As those who own older cars know well, sometimes your own automobile becomes your greatest challenge. Kevin owned a decaying 1993 Toyota Celica that he lovingly named "Doughnut."

With spare parts and elbow grease, Kevin kept the Celica in working condition long after this "doughnut" should have sputtered its last sputter.

Kevin had the drive it took to keep that aging car running. He saw a job that needed doing, and made sure it got done right. Also, while working on the car, Kevin developed the ingenuity he would later apply in the Marines. Lance Corporal Smith could disassemble a medium machine gun—twice—in a minute and forty-eight seconds.

Kevin met his fiancée, Kristi Leider, at Kenton Ridge. They planned to marry. Kevin looked forward to becoming a husband and becoming a policeman so he could protect his family and his community. But first, there was something he had to do. He had to protect his Nation as a Marine.

After graduating from Kenton Ridge in 2003, Kevin departed to serve. In Iraq, he was a member of the 3rd Battalion, 2nd Marine Regiment, known to marines as the three-two. Kevin Smith was a natural leader, always the last to bed after checking on every member of his team. Sergeant Clive S. Chinatomby, Kevin's squad leader, had the following to say about Lance Corporal Smith:

He was a team leader and was the first one to jump up and volunteer for anything. Anytime I'd go to him with something, it would get done.

Kevin Smith would get it done—and he would get it done right.

Lance Corporal Smith was more than just able and dedicated. He was compassionate. Smith would joke with his team, telling them clever one-liners as they patrolled. He not only did his best to protect the Marines around him from the physical perils of war, he shielded them from the stress and tension of being under constant threat. At a memorial service following Kevin's death, Sergeant Chinatomby attested to Kevin's infectious good humor:

He kept me on my toes. Everything in life had a smart comment. He always had a come back for you, and he taught me not to take life that [seriously], because there is always a lighter side to things. He made situations a lot less stressful.

Tragically, on March 21, 2005, Kevin's squad lost a friend, his parents lost a son, and the United States lost a brave and dedicated Marine.

Kevin's Company First Sergeant, J.W. Rovnak wrote this message to the Smith family as a tribute to the kindness and service Kevin gave the men of the three-two:

It is difficult to express the loss the men and I share here in Iraq. We bite back tears and mourn quietly in dark corners as we focus on the task at hand. We live for the day that we can grieve with you and try to give back to you all that Kevin has blessed us with. He lives in us, and our lives are forever touched and changed because of him. I am honored to have known him. Semper Fi.

Nathan Heironimus, Kevin's childhood friend, remember his kindness, good humor, and dedication. He wrote Kevin the following message in tribute:

Kevin—We had some good times these past fifteen years or so—playing backyard sports and videogames as kids, [playing] music, and cruising around in [old doughnut]. It seems like we did it all. You'll always be remembered by me as an easy-going comedian who just knew how to take it easy and enjoy life to the fullest. Easy to talk to and determined, I know you were a great leader for your team like you always were. We're all proud of what you've done for our country!! I know you're up there smiling down on us all now.

Kevin was as good a soldier as this country could ask for. He got the job done, he was trusted and loved by his fellow Marines, and he was dedicated to the protection of democracy—be it abroad or at home.

Lance Corporal Smith offered us his blood, sweat, and tears. He left an indelible mark on this world. He will never be forgotten. His family and friends honor the sacrifice he made, the Marines of the three-two honor the sacrifice he made, and today, I honor that sacrifice.

My wife, Fran, and I continue to keep Kevin's fiancée, his parents, and his sister in our thoughts and in our prayers.

SERGEANT MICHAEL FINKE, JR.

Mr. President, I rise today to pay tribute to Marine Sergeant Michael Finke, Jr., who was one of 31 servicemembers killed when their helicopter crashed near Rutba, Iraq, on January 26, 2005. After securing Fallujah for the

upcoming elections, 28 year-old Michael and his unit were being transported north for another security mission.

Born in Scottsdale, AZ, on October 31, 1976, Michael moved to Medina, OH, when he was 6. Michael was a quiet boy—polite and considerate. His father, Michael Sr., remembers his son “[making] friends everywhere he went. He was a practical joker. He didn’t smile very much, but boy, when he did—when he laughed—everybody knew they should be doing it, too.”

Michael always dreamed of becoming a Marine. His mother, Sally Rapp, remembers that ever “since [Michael] was a little guy, he always talked about being a Marine.” He not only talked about it, he tried to do something about it. When Michael was 15, he sent the Marines a postcard, lying about his age and informing them he would like to enlist. When this attempt failed, Michael tried again the following year. This time he received a letter in return, telling him to get into shape. When he turned 17, Michael was finally able to realize his dream of being one of the few and the proud. With the signed consent of his father, he enlisted in the United States Marines Corps.

Before he became a Marine, Michael was a student at Medina High School and then at Huron High School. Michael played football and baseball. He was the catcher on the 1995 Huron high school baseball team that won the Sandusky Bay Conference Championship. It was the first time Huron had won the conference since 1987. Michael’s coaches remember him as a nice young man and a team player. One of his baseball coaches, Don Wood, said that Michael was “a kid [who] worked hard and did his best every day he came out.”

Michael also sang in a mixed choir during his senior year of high school. His choral director remembers Michael as “. . . a quiet guy, even in choir. He was a good student for me. The quiet ones tend to be good students.”

While Michael enjoyed the benefits of high school life—playing on a championship baseball team, singing in the choir, hanging out with his friends—he was very much looking forward to life as a Marine. You see, Michael came from an honorable line of military men. His grandfather was a Marine and his father was a member of the 101st Airborne, serving as a helicopter door gunner during the Vietnam War—service for which he earned the Bronze Star.

With such a military tradition in his family, it is easy to see why Michael was so interested in becoming a Marine. Long after he had joined the service, Michael’s mother found an old briefcase that Michael had used to store his Marines memorabilia. It was stuffed with brochures and information packets. As his mother says, “I think he spent half his life at that recruiting office!”

Michael’s younger brother, Tim, was always skeptical of Michael’s desire to become a Marine. But, when Michael came home wearing his dress uniform for the first time, Tim was convinced that it was the right thing. He said: “[Michael] was only 5 foot 6 inches tall, but [in that uniform] he looked 8 feet tall. He was bigger than life. I understood why he wanted to be a Marine.”

Indeed, the Marine uniform—representing bravery, sacrifice, and honor—was a perfect fit for Michael Finke.

After boot camp, Michael was assigned to Camp Pendleton, California. It was there that he met his soul mate, Heather Dohrman. The two married on October 11, 2002, in Las Vegas. Because of Michael’s duty assignments and Heather’s education commitments, the two were only able to spend a limited amount of time together. But they made every moment count. They were deeply in love and had planned to start a family once Michael returned from Iraq.

Michael almost wasn’t deployed to Iraq. He was serving on the USS *Essex* and when the roster of Marines aboard who were being deployed to Iraq was posted, and—to his dismay—Michael’s name was not on the list. He lobbied his superiors, begging to go with his men—his friends his brothers. Upon hearing that her son was actively seeking a tour in Iraq, his mother asked Michael, “Are you crazy?!” His response rings true to the core beliefs of all Marines. “That’s my family,” Michael said. “I have to be with my family.”

Michael found Iraq to be a dangerous, yet inspiring place. He was privy to the daily death and destruction that defined the city of Fallujah, as he and his unit helped to provide security for the city. But, he was also deeply involved with the children of Iraq. According to his grandmother, Donna Thompson, “[Michael] said the kids were absolutely wonderful children. He just adored them.” He also told his mother, Sally: “Mom, I just love the kids, I just look in their eyes, and I know the future of Iraq is in the children.” Michael truly believed in his mission—that he was helping protect the freedom and futures of Iraqis, as well as Americans through his service.

Michael Finke was a great Marine. Sergeant Major Ramona Cook recalls serving with Michael. In an email posted to an Internet tribute to Michael, she wrote:

The news of Sergeant Finke’s death was numbing, and it hurt. I had the pleasure of serving with Sergeant Finke as his 1st Sergeant at Camp Pendleton. His caring attitude and calm demeanor set him apart, and he was truly a leader of Marines. I hope his family finds some solace in knowing that Michael died a hero, and will forever be remembered and missed.

Michael Finke, Jr., was an exceptional human being, who was loved by his wife, his family, his friends, his fellow Marines, the children of Iraq, and anyone else who came into contact

with him. He was a living, breathing exemplar of the Marine Corps’ values: honor, courage, commitment. Michael grew up desperately wanting to become a Marine and upon achieving that goal, he served with dedication and distinction.

One of the people Michael admired was General George S. Patton. In regard to how we honor our fallen servicemen and women General Patton once said this:

It is foolish and wrong to mourn the men who died. Rather, we should thank God that such men lived.

We are indeed thankful to God that Michael Finke, Jr., lived. He was a good person—a loving, selfless, passionate man. This earth is a better place because of him and because he lived.

My wife Fran and I continue to keep Michael and his wife, parents, and siblings in our thoughts and prayers.

CORPORAL TIMOTHY KNIGHT

Mr. President, I rise today on the floor of the Senate to honor the life of 22-year-old Marine Corporal Timothy Knight. On January 26, 2005, Timothy, from Brooklyn, OH, and 30 fellow servicemembers were killed when the helicopter they were riding in crashed near Rutba, Iraq. Timothy, or “Timmy” to those who know him, was a member of the 1st Battalion, 3rd Marine Regiment, 3rd Marine Division.

Timmy’s mother, Jeannie, remembers her son growing up as a “normal Brooklyn kid.” He was interested in sports and the outdoors. He was outgoing and likable—respectful and easy-going. Timmy was well-liked in the community and at school.

He attended Brooklyn High School, where he played football and ran track. Teachers from Brooklyn remember him as a good student, who was always roaming the hallways with a confident gait—a confidence that came from knowing he would someday become a U.S. Marine.

That is what he wanted to do. Ever since he was eight years-old, Timmy knew he wanted to serve in the Marine Corps. He was fascinated by the discipline and the sharp uniforms. And, after watching war movies with his father, he would spend hours dreaming of the heroic adventures he would eventually embark upon.

Before joining the Marines, however, Timmy pursued another career interest—and that was law enforcement. He decided to attend the Polaris Career Center while in high school and take law enforcement classes. Upon completion of his service in the Marines, Timmy hoped to become a State Trooper or a U.S. Marshall. He came one step closer to this goal when he graduated from Brooklyn High School and Polaris Career Center in May 2001.

Going all the way back to the 3rd Grade, Timmy had his eye on yet another goal—someday marrying a girl named Gina Delligatti. Now, this took a few years of convincing on Timmy’s part. Let’s just say that the two didn’t

get off on the right foot. According to Gina, Timmy was constantly teasing her. This “teasing” continued from grade school into high school, when Timmy was no longer interested in making fun of Gina, but rather just interested in her. This teasing-turned-flirting eventually caught Gina’s attention, and she remembers Timmy, little by little, “growing on [her].”

The 8th of May 2000 was a serendipitous day for Timothy Knight. He was mourning for his beloved dog, which had just passed away. Gina came over to console him and seeing how upset he was, tried to lift his spirits. She agreed to start dating Timmy. After nearly a decade of teasing and flirting, Timmy and Gina finally became a couple. And, they never once looked back.

Timmy and Gina were two people made for each other. Their senior class voted them “Most Popular Couple.” Two years after graduating, in November 2003, Timmy and Gina were married. Those attending the ceremony may have noticed that Gina was not wearing any shoes. The reason was that Timmy was about 5 foot 6, and Gina was a little bit taller. Timmy, in fact, frequently used the nickname “Big Bird” when referring to Gina. So, in deference to Timmy not wanting to “look really short” next to a high-heeled bride, Gina went shoeless for the ceremony.

Such compromises were common for Timmy and Gina. She remembers Timmy as her best friend. She said that “he was a great husband, who cleaned the car every Sunday and cooked. He really only cooked two dishes that I had taught him, but he cooked! Not everyone can say that about their husband!”

When people who knew Timmy describe him, the first thing that usually comes to mind is his sense of humor. His mother remembers his laughter and ability to make people feel at ease. Gina remembers Timmy being something of the “class clown” in high school. And, from what she has heard from the other Marines in Timmy’s unit, he could always be counted on to lighten the mood when things got bad. Gina and others remember Timmy’s smile:

It was a grin that made you laugh. And, you laughed despite him having done something to make you mad. So, even though you wanted to wring his neck, you grinned back at him, because you had to. He just had that way about him.

While Timmy was deployed in Iraq, Gina gave birth to a daughter named Chloe. Timmy never got to meet his daughter, but Gina believes he would have been a fantastic father. I have no doubt that would be the case.

Timothy Knight’s life was cut tragically short on that January day when his helicopter went down. Thirty-one sets of parents lost their children on that fateful day. One parent, Sally Rapp from Westlake, OH, and the mother of Army Sergeant Michael Finke, understands the pain that

Timmy’s mother Jeannie experienced when her son was killed. She, too, lost her son that day. Sally wrote the following wrote in an email message posted on an Internet tribute after Timmy’s death:

My son, Sergeant Michael Finke, was on the helicopter with Tim. My condolences to the family, as I share in the pain of losing one so loved. We are forever united through the sacrifices that our young men were willing to make. Thank you and God Bless.

While there are no words that can ever ease the pain of losing a child, we may take solace in knowing that both Timothy Knight and Michael Finke made use of every moment they lived. As Adlai Stevenson once said, “It is not the years in your life, but the life in your years that counts.”

Indeed, Timothy Knight lived a lot of life in those 22 short years. Timothy Knight lived his life to its fullest as an easy-going kid from Brooklyn, OH, who loved his wife, his family, and his new daughter, Chloe. We honor him today on the floor of the U.S. Senate, because he put his love for his country, his love for our freedom and the freedom of others, first—above all else. He gave his life in the hope that Chloe’s generation would see a safer, more stable world.

We will always honor his life and never forget his sacrifice.

#### PRIVATE FIRST CLASS JASON SPARKS

Mr. President, on September 16, 2004, more than 1,000 people gathered in the Monroeville, OH, high school gymnasium to say goodbye to one of their own—Army Private First Class Jason Sparks, who died while bravely serving in Operation Iraqi Freedom. Those who gathered could not help but think that this brave young man was very much alive just 14 months ago in that same gymnasium—receiving his high school diploma.

Members of the high school football team, clad in their black and gold uniforms, escorted the body of 19-year-old Jason out of the high school for the last time.

Jason Sparks was a well-adjusted young man, who could make anyone smile. In his all-too-brief 19 years on this earth, he made a lasting impression on all those who knew him.

Jason was born to loving parents—Scott and Lisa Sparks. Even as a young boy, Jason was outgoing. His dad remembers his young son as a “child who loved everyone he came into contact with” and who “didn’t have a shy bone in his body.” He remembers Jason asking him for hugs by saying, “Big hug! Big hug!”

At Monroeville High School, classmates and teachers remember Jason as the outgoing kid who was always smiling. Not only did students love to be around him, so did the teachers. Principal, David Stubblebine, describes Jason as “the kind of kid who would walk into the office, plop down, and say, ‘How ya’ doing?’” Janet Gerber, a counselor at the school, remembered Jason as honest and straightforward—and always helpful around the office.

Jason was also very athletic. He pitched and played first base on the baseball team and played special teams, tackle, and guard on the football team. Ben Paul, the school’s athletic director, remembers Jason as “the kind of athlete who put team goals ahead of individual goals. He was an integral part of that team’s success. He was a hard-working kid and a good athlete.”

Outside of school, Jason loved playing on his Xbox video game system and hanging out with friends. He also worked at two fast food restaurants in nearby Norwalk, OH. It was there that he met the love of his life, Jennifer Smith.

Jennifer remembers meeting Jason while the two worked together. In the beginning, she wasn’t interested, but Jason persisted and the two became friends. The friendship slowly evolved into something more and Jason eventually proposed and they got engaged.

After graduating from high school in 2003, Jason was looking for a way to prepare for college and, eventually, dentistry school. He decided to join the Army, as did his fiancé Jennifer. Jason trained with the 1st Battalion, 503rd Infantry, 2nd Infantry Division at Camp Casey, Korea, before heading to Kuwait. While there, the military newspaper, Stars and Stripes, asked him how soldiers deal with training in the intense Kuwaiti heat. Jason replied that after South Korea, it didn’t bother him too much, and he would advise drinking a lot of water. Jason excitedly called his family to tell them that he was featured in the article.

Jason made sure to call his family often—especially his 6-year-old sister, Sarah. Scott Sparks noted that despite their age difference, Jason and Sarah were very close. His mom Lisa loved to hear from her son, whom she called, “a hugger, not a fighter.”

In early September 2004, Jason was sent to Iraq, and tragically—less than a week after his arrival—he was killed when insurgents fired on his patrol.

In an email posted on an Internet tribute following Jason’s death, fellow soldier Private First Class Anthony P. Herber of Norwalk, OH—who, at the time of writing his message was stationed in Mosul, Iraq—wrote the following:

Jason—you were my best friend, and I will never forget that you are the reason that I am still here today. You were a caring person, and nobody will ever forget that. I miss you man, and as I sit here in Iraq, I just hope I can be the hero you are to all of us.

The tight-knit community in Monroeville also deeply felt Jason’s loss. The flag hung at half-staff at the high school, and those gathered for the football game on a September night heard a tribute to their fallen classmate. Dick Winslow, commander of American Legion Post 547 in Monroeville said that “Jason sacrificed his life in Iraq for the cause of freedom. Jason rubbed shoulders with us. He was one of us.”

On September 16, 2004, hundreds of mourners lined the funeral procession

route to show their support for the Sparks family. In response to this outpouring, Scott Sparks remarked that "[Jason] touched a lot more people's lives than we ever knew."

Indeed, Jason Sparks touched countless lives around the world through his service to America and his support of the Iraqi people. I'd like to conclude my remarks with the heartfelt words of Deanna Morgan Mack, a friend of Jason's from Monroeville on whom Jason had a strong, lasting impact. Deanna wrote the following:

Jason . . . you were such an amazing friend. . . . I do not know of anyone who didn't love you. I'll never forget the times seeing you at church or at the high school. . . . I know that we never really talked that much but whenever I'd see that smile of yours that could brighten up a room, I couldn't help it and had to smile, too.

I'll never forget when [my brother] was sick one day and mom sent me in to get his Homework and I saw you standing there. I was in the worst mood possible and had tears running down my face. You bent down so we were eye to eye, and as you wiped the tears away with that million watt smile, you asked me what was wrong and if there was anything that would make it better. I was between the ages of 10 and 11 and as a little kid the only thing I thought would make it better was an ice cream. I told you that, and you said, "Well I don't know if I can give you that, but I can tell you this—whatever your problem, God will help you solve it." And then, you just smiled again as you eased your way upwards. I thought about your words, and it wasn't until a couple years ago that I actually understood what they meant. But, I'll always remember how I walked out of that office with the biggest grin on my face. Thank you for being like an older brother to me, Jason. I'll always look up to you in Heaven above. And, when I have a problem, I think that before I ask God, I'll ask you, and I'll picture that smile and know that everything will be okay again. I love you and miss you with all my heart Jason Lee Sparks. May God rest your soul.

#### SPECIALIST GAVIN COLBURN

Mr. President, I rise today to honor a fellow Ohioan and brave soldier. Army SPC Gavin Colburn, from Frankfort, served with the 542nd Transportation Company in Iraq. Specialist Colburn lost his life on April 22, 2005, when a roadside bomb detonated alongside his convoy. He was 20 years old.

Gavin Colburn sacrificed his life for the safety of the American people, the survival of a new Iraqi freedom, and for the men and women serving alongside him. He continued to give of himself even during the last moments of his life. When the roadside bomb exploded near his vehicle, Specialist Colburn threw his body over fellow soldier Michelle Pfister, shielding her from the blast. Specialist Colburn had promised Michelle's father that he would watch out for her. He kept his promise.

Gavin was born on January 24, 1985, in Washington Court House, OH. He attended Adena High School in Frankfort, where he was a member of the basketball and track teams. His basketball coach, Mike Patrick, described him as a "consummate teammate," with a great physical energy—a sentiment shared by Gavin's close friend,

Andrew West. "We'd all complain that we had to run so far," said West. "Gavin never complained." Whether as a member of the track team or as a member of an Army company, Gavin was the ultimate teammate.

In eighth grade, Gavin befriended Andrew. Gavin treated Andrew, who was younger, like a brother, teaching him the simple truths that help boys become good men. Andrew remembers Gavin as endlessly patient and misses the time they spent together wandering their neighborhood, playing football and basketball.

After high school, Gavin met Sarah Kern while working at McDonalds. Gavin was so taken with Sarah that he worked up the courage to hand her his phone number—right in front of her mother. They spent more and more time together, and eventually made plans to marry as soon as Gavin left the service.

Gavin looked forward to his life with Sarah and wanted to provide for his future family. He joined the Army Reserves in 2003 to help pay for a college education and eventually a law degree. Tony Colburn, Gavin's father, offered to pay his son's tuition—an offer that Gavin refused. He wanted to do it himself. He didn't want to burden his family. This decision was yet another example of Gavin Colburn's willingness to sacrifice for the sake of others—a creed that defined his all too brief life.

In the service, Gavin quickly impressed his superiors with his bravery and quiet competence. Brigadier General Michael Beasley remembers him as the "go to guy" of the 542nd. Colburn quickly rose to the rank of Specialist. "He would have been a Sergeant in a matter of months," said General Beasley. In the Army, Gavin conducted himself with the same sacrifice and dedication coach Patrick recognized years before. Indeed, Gavin was a "consummate teammate."

Specialist Colburn posthumously received a Purple Heart and Bronze Star for saving the life of his fellow soldier. Though ribbons and medals do not define his service, they are a fitting honor for a young man who gave his life so that another might live.

Gavin would have liked to know that his friends and loved ones—his neighbors and teachers—understand why he gave his life and are grateful for his service to them, to Frankfort, to our Nation. In a written memorial created by Gavin's friends, those who knew him well remember his sacrifice. Michelle Pfister, the soldier whose life he saved, wrote this:

Gavin was a very special person to me. I was in the truck with him on that night, and if he [had not] used his life to save mine, I would not be here today. Gavin—I love you and miss you so much. Thank you so much for keeping your promise to my family. You will always be my big brother.

Gavin left an indelible mark on this world, in the lives he protected and the friends he inspired. Andrew, his friend from childhood, wrote him the following message:

I will think about you daily and the sacrifices you made not only for your country, but the ones you made for your hometown, for your friends, and fiancé and your parents. We'll miss you buddy.

In May, Andrew carried on Gavin's mission to protect by enlisting in the U.S. Army. It is through acts like these that the memory of Gavin Colburn lives on.

We must remember the honor he earned, but it is equally important to remember the life Gavin lived—how he spent his time, how he treated others. Gavin's cousin, Stacey, wrote this to him:

Gavin, there [are] not any words to describe how proud I am of you. You have always been great at everything you have done in your lifetime. You will always be my little cousin, and I will always remember you and all of our memories we had while growing up. We will never forget you. I love you, and hope to see you again one day in Heaven but until then, [rest in peace] my hero.

Gavin Colburn lived bravely, selflessly, and with tireless energy. He held nothing back from his community, or from his mission to protect freedom. Gavin has inspired greatness in so many others. His friends, his family, and his Nation are proud of his service, and we owe him our eternal gratitude.

My wife Fran and I continue to keep Gavin's family in our thoughts and in our prayers.

Mr. President, I thank the Chair and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SERGEANT DARRIN KEITH POTTER

Mr. McCONNELL. Mr. President, I ask the Senate to pause for a moment today in loving memory and honor of Sergeant Darrin Keith Potter.

Sergeant Potter of Louisville, KY, served with the 223rd Military Police Company in the Kentucky Army National Guard. On September 29, 2003, he gave his life in defense of our country in the vicinity of Baghdad, Iraq.

On that day in September, nearly 2 years ago, Sergeant Potter and two of his fellow soldiers were responding to reports of lethal bombing attacks by terrorists near a prison facility. His MP team tried to drive around a tight corner in a Humvee, but overturned into a canal.

Although his teammates escaped the vehicle safely, sadly, Sergeant Potter did not, and drowned. He had faithfully served his nation as a citizen-soldier for 5 years. He was 24 years old.

For his valorous service, Sergeant Potter was awarded the Bronze Star Medal and the Purple Heart. He was awarded the Kentucky Distinguished Service Medal, which is the second highest honor that the Commonwealth



of Kentucky can bestow. He had also received both the Army Reserve Component Achievement Medal and the Army Achievement Medal numerous times in his years of service.

Sergeant Potter's aspiration to defend others dates back to his formative years, when he dreamed of one day becoming a police officer. While a student at Butler High School, in Louisville, he joined the Jefferson County Police Explorers, a program for boys and girls interested in a law enforcement career.

There he experienced all of the inner workings of law enforcement, and learned what the phrase "protect and serve" truly meant. He served as Captain of his Explorer Post and was named Male Explorer of the Year in 1998.

Darrin decided to enlist in the Kentucky National Guard and join the military police before he graduated high school in order to help him achieve his life-long goal of joining the Jefferson County Police Department. He wanted to gain invaluable experience with law enforcement and serve his community and his country.

Shortly before his 21st birthday, Sergeant Potter was deployed to Bosnia for a peacekeeping mission. He served with honor for 7 months. Captain Adrian Wheeler, Darrin's company commander in Iraq who also served with him in Bosnia, says that Darrin "could be trusted with an important decision. He was physically tough, he was mentally tough."

In late 2001, near the end of his deployment in Bosnia, Sergeant Potter realized his dream and was accepted to the Jefferson County Police Academy. The session was to start 2 weeks before he was due back from Bosnia. Undeterred, Darrin arranged with his commanders and the academy to leave Bosnia one week early and start at the academy one week late. Nothing would deflect him from his goal, and on February 1, 2002, he was sworn in as a Jefferson County police officer. His mother, Lynn Romans, called it "the happiest day of his life."

The rest of Sergeant Potter's unit returned from Bosnia on September 10, 2001. The next day was to be their welcome-home party. Instead, September 11 will be remembered as the day when America's mission in the world, and the mission of our armed forces, forever changed.

Sergeant Potter was deployed in Iraq in February 2003. Darrin and his unit were charged with guarding prisoners and escorting the many convoys which traveled in and out of Baghdad. It was a mission which suited Darrin's experience with law enforcement well. He served nobly and with great valor, and made everyone in our Commonwealth proud.

Since childhood, it was clear Darrin Potter had a strong, energetic spirit. Born in Flemingsburg, he grew up as a bright young boy who enjoyed sports, playing in Little League and in count-

less games of wiffleball, baseball and softball after school. As a child he lived in Pleasureville, Frankfort, Maysville, and finally Louisville, making friends wherever he went.

At age 5, it was not unusual for boys ten years older than Darrin to show up at his door, asking if he could come out and play. Perhaps it is because Darrin's dad, David, had lots of softball equipment. But all those who knew him would say that his endearing, fun-loving personality played no small part in his popularity.

Darrin grew up rooting for the University of Louisville Cardinals and the Cincinnati Reds. He loved Corvettes, and as a young man bought a red Corvette, which he treasured and protected. His father was his best friend, and the two often played softball together on the weekends. He was a good student, but he sometimes got into trouble for talking too much. You see, Darrin genuinely liked people.

One of the very first things Darrin did upon arriving in Iraq was to build a volleyball court. In the middle of the desert, Darrin took out his tape measure and set up a perfect court for the soldiers to have volleyball tournaments.

Captain Wheeler, Darrin's company commander in Iraq, has said of Darrin, "he was just a regular guy, but a pretty extraordinary regular guy."

I would suspect that Sergeant Potter would have humbly considered himself a pretty ordinary guy. But the very fact that he and so many other ordinary Americans make such heroic choices—to guard others from danger by confronting it head on—is what makes them extraordinary, and makes America a truly extraordinary country.

We thank Darrin's parents, David Potter and Lynn Romans, and his sister, Anita Potter, for sharing Darrin's life story with us, and for being here today.

We are profoundly indebted to Sergeant Potter for his service and his sacrifice. Our sadness is tempered with the knowledge that his mission was to protect the freedoms we enjoy here in America, and to spread those freedoms throughout the world.

I ask my colleagues to keep the family of Sergeant Darrin Potter in their thoughts and prayers as we continue to pursue a path forward for our country. I know they will be in mine.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

INDEPENDENT COMMISSION

Mr. SCHUMER. Mr. President, I wish to speak for a few minutes on the proposal for an independent commission to

look into what has happened in the Gulf States. This issue has been spoken about, worked on so hard and so carefully by Senator REID, Leader PELOSI, my colleague, Senator CLINTON, and many others.

I speak from the experience of the devastation that occurred in New York after the terrorist attack almost 4 years ago. It will be 4 years this Sunday, and many of us will be at Ground Zero commemorating that.

I think of that every day to this moment, the people I knew who were lost—a guy I played basketball with in high school, a businessman who helped me on the way up, a firefighter from the community in which I was raised. I wear this flag. I put it on September 12, and I wear it every day and, God willing, will every day for the rest of my life in memory of those who were lost.

One of the main desires of the families of those who were killed in 9/11 was to get to the bottom of it. I believe it was a selfless desire, a desire to figure out what went wrong so it would not happen again.

Now we face a tragedy of similar consequence although of different origin, and that is the hurricane in the Gulf and the lack of an excellent response to it. Obviously, our first concern has to be rescuing those who are still in need of help, making immediate provision for the hundreds of thousands of individuals who were displaced and trying to deal with the immediate aftermath. Then we will have a longer term job of restoring the city of New Orleans.

I have talked with Senator LANDRIEU and Congressman JEFFERSON about what we learned in New York about bringing people back to an area that had become temporarily abandoned. That is what happened to downtown on 9/11. But another thing we are going to have to do is figure out what went wrong with the same positive motivation that motivated us after 9/11, and that is so we might reduce the chances of loss of life, loss of property in the aftermath of it happening again.

We learned one thing. We learned very simply that the best way to get to the bottom of this is have an impartial, nonpartisan commission not composed of politicians. The best way to get to the bottom of this, frankly, is to repeat the experience of the 9/11 Commission and have a group of people—many experts in different fields, some citizens with motivation to find out what went wrong—and give them the authority they need, the resources they need, the time they need, and let them get to the bottom of it.

Frankly, there has been a lot of discussion of how we should do this in the House and Senate. From what I understand, the majority leader is now considering simply having joint hearings with the Homeland Security and Governmental Affairs Committee, joined with the House. I have no objection to that, but I will say this: When elected officials, when politicians are on a commission, generally it does not work

out. Republicans will have a natural view to defend the administration. Democrats will have a natural view to attack the administration. Both are legitimate roles. But to assure the public that the truth will actually be found, a nonpartisan commission, not composed of elected officials, is the best way to go.

The calls for doing things in the House and Senate with our particular needs—appropriations, oversight of various Government agencies—is not a bad one, but only if it is not a substitute for an independent commission.

I hope my colleagues will rise to the call in the next few weeks and months. We do not have to constitute this commission immediately, but we should do it soon enough because, again, the only way to assure the public that we are getting to the bottom of this is to have a commission that is nonpartisan and not populated by politicians, each of whom has a legitimate ax to grind—a legitimate ax to grind, but it is an ax to grind nonetheless.

I wish to make one other point before I yield the floor. The initial calls for an independent commission after 9/11 were resisted. They were resisted by the administration, and they were resisted by many in the House and Senate. But it was the fortitude of the families of the victims, the survivors—Kristen Breitweiser and her colleagues from New Jersey, so many of the families I know from New York—who forced the Commission to occur.

My guess, my prediction is this: If we do not form that commission ourselves, on our own volition quickly, at some point the citizens of the Gulf States will demand that we do so in any case as we move past the tragedy and hopefully begin to rebuild for those who have been caught in this gulf catastrophe. Those who lost loved ones, at least some of them will do what was done in New York. They will band together and try to do everything they can to help a community they love. And they will urge us and importune us, just as the families in New York did, to form such a commission. That is my guess. It is just how things are. And it is the right thing to do. So let us do it now. Again, it does not have to be done next week. It probably should not be done next week. Our main goal should be to focus on helping those who need help. But within the next month or two, without question, if we really want to get to the bottom of what went wrong to prevent it from happening again, we should form an independent commission, not composed of elected officials with an ax to grind but nonpartisan citizens of various expertise to figure out what went wrong and to give us guidance as to how to avoid it in the future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask I be allowed to proceed as though in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DEFENSE AUTHORIZATION

Mr. LEVIN. Mr. President, it is essential that we turn promptly to consideration of the Defense authorization bill. Our troops are fighting in Iraq and Afghanistan and providing law and order and saving lives in the aftermath of Hurricane Katrina. The Defense authorization bill contains numerous provisions to improve their compensation and enhance the quality of their lives and their families' lives. Passing the Defense authorization bill sends an unmistakable message that we care about them and that as a nation we appreciate their sacrifices.

More than 64,000 Active-Duty and National Guard troops have been sent to the Gulf Coast where they are assisting in the recovery from Hurricane Katrina. These troops are playing a critical role in conducting search and rescue missions; evacuating displaced persons; providing security in impacted areas; delivering essential food, water, and medicine; and rebuilding damaged infrastructure throughout the region. I saw firsthand last Sunday in Battle Creek, in my home State of Michigan, just how effective and professional the Michigan National Guard is in preparing for the needs of hundreds of evacuees of Katrina.

And, of course, about 138,000 American soldiers, sailors, airmen, and marines are engaged in taking on aggressive insurgency in Iraq, and 17,000 remain in harm's way in Afghanistan. Tens of thousands more are supporting the war effort through deployment thousands of miles from home. Our Armed Forces also continue to bear the brunt of the continuing effort to stabilize and rebuild Afghanistan, keep the peace in Bosnia, Kosovo, and other hot spots, while remaining prepared to execute other missions in support of the national military strategy.

Some of these troops deployed overseas are from the Gulf Coast area. Some of them will soon return home to find that Katrina has damaged or destroyed their homes. Some will have nothing left. Taking up and passing the national Defense bill will improve their quality of life while they remain on active duty and when serving in hurricane recovery duty. Passage of the Defense bill will send an important message to them that we as a nation understand their loss and appreciate their service.

At a time when members of our Armed Forces are performing heroically both at home and overseas to make our country safer and stronger, it would be unconscionable to give the Defense authorization bill anything less than top legislative priority. Our military both needs and deserves the support that Congress can provide in the Defense authorization bill.

First and foremost, the Defense authorization bill would support our troops by improving compensation and quality of life for our service men and

women and their families as they face hardships imposed by continuing military operations within the United States and around the world. For example, the bill would provide funding for a 3.1-percent across-the-board pay raise for military personnel. The bill contains a \$70 million increase in childcare and family assistance services for military families and \$50 million in supplemental educational aid to school districts affected by the assignment or location of military families. The bill would provide increases in housing allowances and payment of over 20 types of bonuses and special pay for our service men and women.

The bill will increase the death gratuity paid to survivors of our military personnel who die while on duty. It would increase their life insurance to \$400,000. And that total death benefit of \$500,000 is a small price for a nation to pay to a family of a soldier or sailor, an airmen or marine who has made the ultimate sacrifice of giving his or her life in service to our Nation.

If the Defense authorization bill is not enacted, the military's authority to pay bonuses and special pay to our men and women in uniform will expire, exacerbating an already troublesome problem that we face in recruitment and retention. If this bill is not enacted, the enhanced death gratuity of \$100,000 and the increased life insurance benefit that we enacted for servicemembers earlier this year will lapse and substantially lower benefits will be reinstated. If this bill is not enacted, more than \$6 billion in military construction and family housing projects to improve the conditions in which our servicemembers work and live will be unable to proceed.

The Senate obviously has a lengthy list of legislation that it wants to consider and needs to consider over the next few months, but surely if we truly value the contribution that our Armed Forces have made and continue to make every day, each and every minute at home and abroad, taking up and passing the Defense authorization bill before the end of this month will reflect that sentiment. It is essential we do so. We have many things to take up, but I can't think of anything more important, other than our response directly to Katrina to help the victims and their families, than taking up and passing the Defense authorization bill.

I thank the Chair and I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1649, 1659, 1668, 1673, 1674, 1675, AND 1676, EN BLOC

Mr. SHELBY. Mr. President, I now send a series of amendments to the desk, and I ask unanimous consent



that the amendments be considered read and agreed to, the motion to reconsider be laid upon the table, and that any statements relating to these amendments be printed in the RECORD, with all the above occurring en bloc. I would note that these amendments have been cleared on both sides of the aisle.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments were agreed to en bloc, as follows:

## AMENDMENT NO. 1649

(Purpose: To establish a task force to improve and target the Federal Government's policies with respect to the production and trafficking of methamphetamine)

On page 142, after line 3, insert the following:

SEC. \_\_\_\_\_. Within the funds provided for the Drug Enforcement Agency, the Attorney General shall establish a Methamphetamine Task Force within the Drug Enforcement Agency which shall be responsible for improving and targeting the Federal Government's policies with respect to the production and trafficking of methamphetamine: *Provided*, That within 90 days of enactment of this Act, the Drug Enforcement Agency shall submit a plan that outlines the governance structure and membership of the task force: *Provided further*, That within 120 days the Drug Enforcement Agency shall establish the task force and submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives the membership of the task force and powers established for the task force.

## AMENDMENT NO. 1659

(Purpose: To increase the appropriation for nationwide legal services field programs and to provide additional funds to programs providing legal services to the victims of Hurricane Katrina)

On page 175, strike lines 6 through 9 and insert the following:

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$358,527,000, of which \$346,251,000 is for basic field programs and required independent audits (of which \$8,000,000 is for basic field programs providing legal assistance to victims of Hurricane Katrina).

Notwithstanding any other provisions in the Act, the sums appropriated for the Department of Justice are reduced by \$37 million. This reduction is to be taken by the Attorney General from accounts receiving an increase in travel and transportation of persons as specified in the President's Fiscal Year 2006 Budget Submittal to Congress pursuant to 31 U.S.C. section 1105 and which are in excess of the fiscal year 2005 level;

## AMENDMENT NO. 1668

(Purpose: To provide funding for methamphetamine prevention education programs in elementary and secondary schools)

On page 137, line 3, strike "\$350,000,000" and insert "\$352,000,000 of which \$2,000,000 shall be for grants for methamphetamine prevention education programs in elementary and secondary schools to be offset by a reduction of \$2,000,000 in the Drug Enforcement Agency salaries and expenses in this Act".

## AMENDMENT NO. 1673

On page 121, line 19, after "curity;" insert the following: "of which \$152,546,000 shall be for national security infrastructure;"

## AMENDMENT NO. 1674

Page 162, line 23, after the word "mission," add the following: "\$371,600,000 for the Webb Space Telescope to be launched no later than 2013;"

## AMENDMENT NO. 1675

At the appropriate place in the bill, insert the following:

"Notwithstanding any other provision of this Act, no funds appropriated under this act shall be used to register, issue, transfer, or enforce any trademark of the phrase "Last Best Place"."

## AMENDMENT NO. 1676

(Purpose: To prohibit the use of funds relating to certain rulemakings)

On page 190, between lines 14 and 15, insert the following:

SEC. 5 \_\_\_\_\_. (a) For the period beginning on October 1, 2005, and ending on April 1, 2006, none of the funds made available by this or any other Act may be used to pay the salaries or expenses of any employee of any agency or office to implement any change to part 302, 303, 306, or 318 of title 13, Code of Federal Regulations (as in effect on December 14, 1999), pursuant to the interim final rule published August 11, 2005 (70 Fed. Reg. 47002; relating to the implementation of, and regulatory revision under, the Economic Development Reauthorization Act (Public Law 108-373; 118 Stat. 1756)).

(b) Notwithstanding the interim final rule described in subsection (a), the public comment period with respect to parts 302, 303, 306, and 318 of title 13, Code of Federal Regulations, shall be not less than 30 days.

Mr. SHELBY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TALENT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALENT. Mr. President, I want to speak for a few minutes on one of the amendments the Senate just adopted by unanimous consent. That amendment contained the Combat Meth Act that Senator FEINSTEIN, my good friend and distinguished colleague from California, and I have cosponsored along with 40 other Senators. It is the most comprehensive methamphetamine legislation ever introduced, much less passed by this body, and I want to begin my brief remarks by thanking the Senator from Alabama and his staff for working with us, and the Senator from Kentucky for his good work. I know my friend from California feels the same way. We are very grateful for their efforts in including this amendment in this bill. It was very important to do.

It is amazing, since we introduced this bill, the response that we have had within this body and from the law enforcement and the social services community around the country. Senators and America are aware of the fact that methamphetamine is the single most deadly drug threat we have confronted certainly in my time in public life in the 20 years that I have been in legislative bodies. As bad as the other drugs are, it is worse than the other drugs. It is almost immediately addictive.

Let us send a message out right now: You cannot use methamphetamine casually. If you take it, you are going to get addicted to it. It changes the physical structure of the brain. It causes people to be more aggressive. It can turn some people into maniacs. Law enforcement will tell you other drugs are not as dangerous because they are passive. Methamphetamine causes people to become more aggressive. It changes the physical structure of the brain. It causes people to become more aggressive. It is almost instantly addictive and there is no known medical model for getting people off it. There is no methadone for methamphetamine.

I talked to a substance abuse counselor from Marriville, MO, about this one time. He had been in his line, in his profession, for 16 years, and he said: When I counsel somebody in trying to get somebody off methamphetamine, I just use the 12-step program and I rely heavily on the first step. There is a higher power who can help you because that is what it takes to get off methamphetamine. And there are some people who do. It is heroic and miraculous. But we have no known effective treatment. It is the perfect storm of drugs because in addition to all that, methamphetamine, unlike other drugs, is not just sold and consumed in our neighborhoods, which would be bad enough, it is made in our neighborhoods. And the process by which it is made, which is it is concocted in labs, presents by itself a huge set of problems and causes a huge number of social pathologies which our local authorities have been fighting heroically for years and years.

Methamphetamine labs are toxic. The process by which the drug is made and then used is toxic. There are all kinds of toxic chemicals that are being used. So when these meth cooks operate a lab in a home or a van, they create a toxic waste dump. It costs \$10,000 to clean it up. Our law enforcement officers have to be trained, not only as law enforcement officers but as environmental experts, because as they take down these meth labs they have to break them down, and it costs a lot of money, not even counting the training costs. Then the chemicals have to be disposed of in an environmentally safe way. That costs a lot of money. Because these labs are out there operating, it presents a whole host of additional dangers to our children, even beyond the fact that their parents or caregivers may be using a seriously deadly drug, because these kids are growing up in homes that are toxic.

I have had social service workers in Missouri tell me that when they pull children out of these environments, they have to decontaminate them, sometimes two or three times, because the residue of these toxins is all over their bodies. It is tragic and terrible. I have had law enforcement officers tell me they will go in and the air is so bad they have to wear breathing filters or moon suits, and there are little children running around within a few feet.

They have seen cradles next to methamphetamine labs. All of this is a problem with methamphetamine that does not exist with other drugs, as dangerous and as terrible as other drugs may be.

Methamphetamine is epidemic. The fact that it is relatively easy to make the drug and the information about it is all over the Internet means that there are, in my State alone, law enforcement tells me, hundreds, perhaps thousands of labs operating in isolated areas, and often in not so isolated areas. The home next door may be making methamphetamine. They make it in cars and vans. I have fire protection district chiefs in urban and suburban areas tell me half the vehicle fires they are fighting are meth related, because this is a dangerous process in which this drug is made, even resulting in fires or explosions—and these are chemical fires they have to fight.

I said in urban or suburban areas, because it is not just a rural problem anymore. It started there, but it spread to our urban and suburban areas. The consciousness of this moved many Members of this body to support this bill when Senator FEINSTEIN and I sponsored it, and to support it passionately. I was moved and pleased by the number of Senators who came, at our initial press conference, and spoke movingly because, of course, we get around in our States. We talk to people. We see the devastation and we have heard law enforcement, and the Senate has acted by adding the Combat Meth Act to this legislation.

I am very pleased about it. We have a chance now to send this over to the House. If the Senate approves the bill, which I am confident it will, I hope early next week, then we can get this bill passed and sent to the President's desk.

I promised to be brief. I was not, although I am sure listeners understand that brevity in the Senate means something different than it may mean in other places. But the bill contains a number of important provisions. Probably the centerpiece of it is a provision that would take cold medicines that contain pseudoephedrine and put them behind pharmacy counters around the country. This has been done in a number of States. Missouri is a leader in this. Oklahoma is a leader. Iowa is a leader. I thank Senator COBURN for his efforts in helping us, and Senator GRASSLEY for his efforts, helping us. They know what methamphetamine is, coming from the States from which they come. This would put these precursor drugs behind pharmacy counters. It means consumers will still have access but meth cooks will not. Because they have to assemble 20 or 30 or 40 packages of cold medicines in order to make methamphetamine, they will not be able to do it anymore. They will not be able to steal it or buy it because it is going to be behind pharmacy counters.

Then, in addition, there are a number of targeted grant programs designed to

assist our law enforcement and social service workers stopping this drug and dealing with the terrible fallout from it.

I am grateful to all those involved. We need to move now to the next step. We need to keep working in other ways, above and beyond this bill, in which we can stop this deadly drug.

I am grateful to all those who helped make this day possible, and I know I speak for Senator FEINSTEIN saying we are very pleased the Senate has adopted this and added it to this measure and that now we are in a position to send it to the House.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, before the Senator from Missouri leaves the floor, I want to extend on behalf of every Member of the Senate our thanks to him for his leadership in fighting the scourge of methamphetamine. The Senator from Missouri has become the leader in the Senate in combating this scourge. On behalf of all Members of the Senate, I thank him for his extraordinarily effective work in this most important area.

Mr. TALENT. Will the Senator yield for a minute?

Mr. MCCONNELL. I yield the floor.

Mr. TALENT. Mr. President, the Senator has yielded the floor so I can add, for a moment, that I very much appreciate his kind words. I did not in my remarks talk at great length about Senator FEINSTEIN's efforts. I will have the opportunity to do it. I have done that in the past and I will have the opportunity to do that again.

The remarks of the Senator are very fine, but let me say Senator FEINSTEIN has been on this issue since at least the 1990s. She saw it coming. We have not completed anything yet. We still have to get this over to the House and pass it. There are other things we have to do. The remarks of the Senator are very kind, but Senator FEINSTEIN is the outstanding leader. It has been a great pleasure to work with her to this point and I look forward to continuing to work with her and other Senators from both sides of the aisle, getting this done completely, including the Senator from Kentucky. I know what a problem this is in Kentucky. He and I talked about this. I am grateful for his assistance.

I yield the floor.

#### MORNING BUSINESS

Mr. MCCONNELL. I ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HONORING CHIEF JUSTICE WILLIAM H. REHNQUIST

Mr. COLEMAN. Mr. President, on behalf of the people of Minnesota I have

taken the floor today to express our condolences to Rehnquist family for their loss and gratitude and admiration for his extraordinary life of service.

The Midwest, where William Rehnquist was born, does not have the high mountains or the pounding ocean surf of other parts of the country. We learn from our geography the value of moderation and dependability. William Rehnquist was a solid human being whose consistency and resolve as a member of the Supreme Court benefited the whole country in turbulent times.

The historian Whitehead has written that the essence of leadership is maintaining order in the midst of change, and change in the midst of order. William Rehnquist lived out the principle that both change and order are necessary in the law and he knew when we needed each.

Chief Justice William H. Rehnquist served America with great distinction on the Supreme Court for 33 years. His profound respect for the Constitution and his collegial relationships throughout the judiciary will be a standard for future justices. He knew that his role was more than deciding cases: it was to raise the knowledge of and respect for the rule of law.

Mr. Rehnquist took his seat as an associate Supreme Court justice in 1972 after being appointed by President Richard Nixon, and became Chief Justice in 1986, during the Reagan administration.

His opinions reflected a staunch adherence to the constitutional principle of State's rights. He also displayed an untiring willingness to work with his colleagues to find a compromise without minimizing his position. Chief Justice Rehnquist will be remembered as one of our most influential chief justices in history.

As the Court's most junior justice, Rehnquist made state sovereignty his central principle of American constitutional law. At times, especially in those early years in 1973, he stood alone in his support of State sovereignty but continued this fight to the end of his time on the bench.

Chief Justice Rehnquist succeeded in shifting the balance of power between States and the Federal government. The control and limitation of Federal control will always be a legacy of Chief Justice Rehnquist. He protected the Constitution in his application of the law and took great pride in his protection of civil liberties and the importance of freedom and the democratic spirit in our Constitution.

As Chief Justice, Mr. Rehnquist made his mark on the Court with grace in an environment where justices of varying opinions could express themselves free from personal attacks and or ideological stalemates. His was a Court of strong personalities who operated in profound respect for each other and the country gained from their wisdom and discourse. He was a great leader and effective administrator of the Supreme Court.